



Political dimensions of environmental conflicts in Kosi Bay (South Africa). Signification of the new post-apartheid governance system

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Political dimensions of environmental conflicts in Kosi Bay (South Africa). Signification of the new post-apartheid governance system

ABSTRACT: *The new demarcation in Kosi Bay, trying to reverse the spatial legacy of apartheid, has resulted in competition and new environmental conflicts between political structures, conservation authorities and local communities. The current complex governance framework is attempting to overcome the problems created by the political structures of the apartheid era – during which time the declaration of natural areas for conservation resulted in forced removals and negative perceptions of conservation. The case study of Kosi Bay, a strategic area for tourism development, is a typical example of various competitions that reflects the history of the past and the conflicts of the present.*

KEY WORDS:

Kosi Bay, South Africa, environmental conflicts, nature conservation, development, new governance framework

Introduction

Research position on environmental conflicts

For me, the environment is a space altered by humans, whose natural (fauna, flora, morphology...) and social (residents, housing...) components, in dynamic interaction, are often destabilised. The environment ‘can be endangered’ by a human (such as a polluting industry, clearing a forest) or physical (‘natural’ catastrophe) action: one speaks, thus, of ‘environmental problems’. This dynamic definition of the environment implies that the researcher must take a position on the genuine seriousness and long-term implications of the destabilisation that is created. I have chosen – in this research, in this very particular South African context – a ‘social’ position on the environment. For me, improving the individual’s health and his or her social well-being (reduction in poverty) takes priority over the strict preservation of ‘nature’ (Biehl, 1995; Guyot, 2003; Thompson, 2002). Social progress and environmental sustainability can be associated under certain conditions, but these conditions are rarely united (Bond, 2002; Eden, 2000).

Diverse groups of stakeholders, more or less well organised in shifting coalitions, position themselves differently on very precise and spatially well-localised environmental questions. The environment, as defined above, thus implies that conflicts will exist over the use of space, or spatial competitions, that are matters of confrontation between stakeholders. Since the environment is a spatial dynamic, and conflicts between stakeholders cover processes that are not spatially defined (stakeholders, coalitions of stakeholders, logics and strategies), one can validate the concept of environmental conflict as a methodological tool for the joint study of space and stakeholders (for South Africa, see Bond 2002, Clarke 2002, Dovers, Edgecombe & Guest 2002, Guyot 2003; for the rest of the world Collinson 1996, Dahl 1993, Dietz 2001, Eden 2000, Wong 1996). In the field, it allows a process for compelling stakeholders to take a stand both on problematic environmental questions and in relation to other stakeholders.

Environmental conflict thus helps to bring to the fore representations, strategies, practices as well as coalitions linked to the stated problem. Environmental conflicts are both methodological and conceptual tools as used by Moore (1998) and Crowfoot & Wondolleck (1990) in their research.

Environmental conflicts at Kosi Bay (South Africa)

Geographically, Kosi Bay (fig. 1), on the northern east coast of South Africa, includes the whole area between the Indian Ocean, the grasslands on the western and southern parts of the four lakes system and the Mozambican border in the north. Although it is a tribal land on the custody of the Tembe Tribal Authority, the major part of this land was proclaimed nature reserve in the late 1980's by the provincial administration. From a human point of view, the Kosi Bay area comprises many different scattered communities. Some of them are part of the nature reserve (Emalangen, KwaDapha, Enkovukeni), some others are excluded from it (KwaZibi, KwaMazambane, KwaGeorge...). Manguzi¹ is the only small town next to the Kosi Bay area and plays an important role of administrative and commercial center.

In Kosi Bay, environmental conflicts oppose community-based extraction and nature conservation in the arena of competing tourism development. These conflicts occur now in a post-apartheid era characterised by a new and complex governance context.

The problem: political dimensions of environmental conflicts at Kosi Bay

Ten years ago, apartheid was abolished. The Kosi Bay area, formerly coveted by Afrikaners 'seeking access to the ocean' faced with the British hold on the area, are now exploited by the ANC² in order to reinforce its territorial power over the rural lands favouring the IFP³. However, the influence of Whites⁴ remains a reality in a spatial framework that is still very inert. Who can win this dispute over the littoral environment of Kosi Bay?

The Kosi Bay area is characterized by an environmental logic that makes preserving the environment a means to reserve the enjoyment of the area for a few wealthy individual. Since apartheid's end, new political strategies accompany this logic. Tourist development comes to the aid of the strictly environmentalist logic to try to create jobs and thus redistribute profits to the historically disadvantaged black populations.

The Kosi Bay area crystallise conflicting uses of the littoral environment, systems of stakeholders opposing each other and a territorialization shared between regulatory ambition and post-apartheid geopolitical appropriation. The ANC government tries to reinforce its territorial power whilst simultaneously disengaging financially. The neo-liberal policy change of the new South Africa in 1996, with the adoption of GEAR⁵ - thus putting to rest the ANC's initial socialist aspirations during the RDP⁶ era (1994-1996) – also marks the renewal of South Africa's use of the environment as an economic asset (promoting and investing in natural parks, ecotourism). However, it is not a mistake that the 'Rio + 10' Summit was held in Johannesburg in September 2002. The South African government - the 'good pupil' of the international organisations – must agree to a policy of continued wise use of resources in all

¹ Despite the difficulty of differentiating between urban, peri-urban and rural in these areas, we estimate Manguzi's urban population to be 10,000 and the population of the rural areas between the city and the Park to be around 20,000. The new KZ 271 municipality brings together 141,000 inhabitants (Demarcation Board 2003).

² African National Congress, modernist party with an urban electoral base.

³ Inkatha Freedom Party, Zulu traditionalist party with a rural electoral base.

⁴ Use of apartheid-era 'racial' categories (Blacks, Whites, Coloureds, Indians, Asians) obviously does not imply support for the philosophy that presided over this classification, nor for the political regime that used it.

⁵ Growth, Employment and Redistribution Programme.

⁶ Reconstruction and Development Programme.

their forms, and the environmental issue is now at the heart of the international community's preoccupations.

The aim of this paper is a reflection about the different significations of the new post-apartheid governance system in the light of a legacy of major and ongoing environmental conflicts.

The first part is giving some informative data about the Kosi Bay Area. The second part is an historical flash-back to understand the gravity of the local environmental conflicts. The third part presents the complexity of the new post-apartheid governance system. Eventually the fourth part interprets the political significations of this new system.

Methodology

The methodology of this study refers to that developed by the French anthropologist Olivier de Sardan (1998). We used a qualitative approach based on interviews with representative and significant stakeholders and on arena observations. Some interviewees preferred to stay anonymous. Therefore this paper will refer to interviewees only by their positions.

Three levels of stakeholders are involved in spatial competition: national, provincial and municipal (or local). While the local level will obviously be dealt with as a priority in the discussion as it is a case study based around one community, relationships between and potential conflicts with the two other levels of stakeholders are also central to the paper. At this stage it is important to define these stakeholders who fall mainly into two categories. First, decision-making actors (political, technical and economic for each sector) and, secondly, regulating actors (e.g. associations, citizens.). Classifying traditional leaders in this two-fold division proved problematic, and they have been categorised them as a further category of stakeholders with their own strategies and dynamics.

One could ask why there is no concordance between the discourse of stakeholders and what they put into practice (e.g. the logic of stakeholders and the logic of their choices). The difference between 'words and practice' also has to do with the relationships between technical decision-making power (which mainly involves White South Africans): mastering skills; conserving acquired advantages; the elected political power (which mainly involves Black South Africans); and the transformation conquest.

Interviews took place via the intermediary of a local translator for the Zulu-speaking stakeholders between December 2000 and May 2003.

An informative description of the Kosi Bay area

Poverty versus natural assets

One of the poorest region in South Africa

Maputaland extends from 28° to 26° South along the eastern coast of South Africa. While it is rich in natural resources, this part of Kwazulu-Natal is poor when measured by socio-economic standards. For instance, according to the Demarcation Board, 89% of the population of the whole Maputaland⁷ get less than R18 000-00 (≈2500 US\$) per year compared to 43, 46 and 27 per cent for the Durban, Johannesburg and Cape Town Metropolitan Areas (Guyot, 2002).

⁷ Umkhanyakude District Municipality [DC27]

Kosi Bay is located on the North Eastern coast of South Africa (figure 2). The entire coastline of Maputaland from the Mozambican border to the St Lucia Estuary is historically considered as *confined* in relation to the entire Kwazulu-Natal coast, and in opposition to the more developed southern part. Many physical constraints (e.g. subtropical humid climate and its related endemic diseases such as malaria and tick bite fever, natural obstacles such as lakes and dunes) inhibit the development of the Kosi Bay area. Except in the swamp forest zones, the sandy soils are naturally poor and the method of cultivation that is traditionally used by farmers, exaggerates the natural lack of nutrients (Mountain 1990). Maize and peanuts are the major subsistence crops in the area. The remainder of the diet mainly comprises fish and shellfish and natural resource extraction from dune forests. A more sustainable agriculture has to remain an important activity locally to insure minimum standards of living for the population (Bulfoni, 2002).

The three communities inside the nature reserve are located between the Indian Ocean and the four lakes system. There are accessible only by four-wheel drive vehicle and by boat. There are residents who organise paying-shuttle services with their own four-wheel drive vehicles. All government infrastructures such as hospitals, library, post office etc. are available in Manguzi. The poor communications contribute to the isolation of the territory except for Manguzi which is now well linked with the South African roads network. Water supply in Manguzi is delivered through public taps, sometime with individual boreholes. Basic services must be absolutely be supplied to the people otherwise poverty and frustrations against nature conservation within black rural communities will continue to increase.

A range of natural assets

The study area – Kosi Bay - is found within Maputaland along its coastal belt. This coastal belt is, in many ways, the most attractive part of Maputaland and has great potential for tourism development. It is characterised by five different ecosystems. The coastline comprising sand beaches and a tidal zone rich in corals and reef life. Dune forests consist of tropical and subtropical evergreen trees growing on dunes which reach 70 to 120 m in height. Grasslands are found between the freshwater lake system (which comprise a separate aquatic ecosystem rich in fish) and the dune forests. A major arboreal component of the grassland ecosystem is the Lala palm which are used traditionally to make palm wine. Swamp forests occur adjacent to the lake system. The indigenous population has settled in the grasslands which are, along with the swamp forests, the location of vegetable gardens. The dune forest has been used traditionally for firewood and the sea has provided marine resources, particularly fish and mussels. The recent development of tourism has meant that settlements have developed near the beaches.

Although poor in services, the Kosi Bay area is surrounded by valuable assets such as pristine subtropical dune forest containing many rare species (Govender 2001) and rich coral life offshore – including more than 30 species of tropical fish in the southern Hully Point. Other permanent attractions include the scenery and a year-round warm climate with temperatures ranging from 12-24°C in winter to 21-30°C in summer. The offshore water is warm (23-26°C) due to the effects of the Agulhas Current. The combination of these assets provides a potentially tourist-friendly environment as with the mushrooming of tourism developments can be seen today around the area.

A review of local environmental conflicts

The apartheid context and the Bantustan issue

This historical background is necessary to understand the complexity of today's environmental conflicts.

These natural assets are first taken into account in 1950 with the proclamation of the first Kosi Bay Nature Reserve by the Natal Parks Board on the western banks of the lake Nhlanga for the purpose of outdoor recreation activities. In the same time the Emalangeni swamp forest is declared *Indigenous Forest Reserve* by the Department of Water Affairs and Forestry. This zoning is done without taking into account that the land is tribal and occupied by different communities extracting natural resources on a daily basis. However no conservation regulations are enforced before the whole area proclamation as a nature reserve in 1989.

Prior to 1972, before the creation of the Kwazulu Homeland, the provincial government administers this part of Natal Province at a distance. It is considered as a 'black population territory' (figure 2).

The administrative affairs of the people in the Kosi Bay area are controlled by the Ingwavuma Magisterial District based in Manguzi at this time. In the 1960s governance is handed over to the Tribal Authority⁸, especially in respect of infrastructure development. A Tribal Authority consists of a chief (Inkosi) who delegates his power, with the agreement of the people, to an *Induna*. The latter person is in charge of a ward - piece of land within the boundaries of the Tribal Authority (Crouzel 1999). For the whole Kosi Bay area the Tembe Tribal Authority is in charge with the support of forty nine Indunas.

After 1972, the area north of Sodwana Bay, which includes Mbazwana is integrated in the Kwazulu Government Territory – an officially named 'self government territory'. The poor level of development in Maputaland indicates that this region was not a high priority for the KwaZulu government - based in Ulundi - at this time. The reasons for this most likely emanate from the high proportion of Tonga in the area in comparison to Zulus, and its geographically peripheral location. This government manages the area with the purpose of conservation.

In the 1980s, the Kwazulu government realises that it would be beneficial in terms of self government autonomy to have the control of its conservation areas and also to be able to proclaim new parks - as happens at Tembe Elephant Park in 1984. The control of the Kosi Bay Nature Reserve is passing from the Natal Parks Board to the Kwazulu Bureau of Natural Resources (KBNR) in 1989.

The environmental conflict around the proclamation of the Kosi Bay Nature Reserve, a manipulation partly orchestrated by white stakeholders: 1988-1994

The origins of the proclamation: a possible threat on the swamp forest ?

In the mid 1980's the state of the Malangeni swamp forest is a source of serious concern only for conservation officials⁹.

⁸ During the apartheid era the traditional leaders were appointed by the government in Pretoria and received elusive grants for local development (Crouzel 1999).

⁹ Interview with local conservation officials, Kosi Bay, 18-06-2001. Conservation official are close to conservative circles both within the Zulu and the English-speaking community (Draper, 1998).

"There was very heavy destruction of the swamp forests, and to us the swamp forests were very important to maintaining the system as it was, the clarity of the water, the nutrients, the sedimentation and silting up. We felt if we lost the swamp forests the whole area would change, the fish and the ecology. So it is of critical importance and the easiest way to protect it is to make the area a nature reserve to protect the swamp forests and the integrity of the estuarine system. So we drew a line on a map to ensure it would cover as much of the swamp forest as possible. That was the primary reason for the proclamation, to protect the swamp forests, to protect the waters of the system. "

Before the proclamation a study was conducted on communities located inside the boundaries to show their different impacts on the ecosystems. Some groups of people had just a low impact on the natural environment, as for Enkovukeni and KwaDapha situated between the Ocean and the lakes. In return other groups appeared more problematical for white environmentalists: as KwaZibi community using the swamp forest for cropping and KwaGeorge, KwaMazambane and Mahlunqulu too close to the lakes and the estuary.

The process of relocation and compensation

The extension of the territory of the Kosi Bay Nature Reserve in 1989 implies that 158 households living inside the new boundaries have to be relocated elsewhere, outside. These 158 families consisted of 1200 people. The original will of the KwaZulu Bureau of Natural Resources¹⁰ was not to forcibly remove these people¹¹. Its aim was to consult the people with the intermediary of their Indunas¹² to compensate all of them with cash for every houses, crops and productions. Two committees were established: the *Compensation Committee* and the *Swamp Forest Committee*¹³.

"Each homestead was assessed for the type of (the type of) building and the square meterage, then each banana plant was counted and the compensation rates were drawn up by the Dept of Agriculture. There was a list of the homesteads and the valuation, and cheques were issued of the amount. If the person went to the magistrate and said he'd moved out, then he would get the money. That basically happened 3 to 5 years after the proclamation. The money was given directly to the people. You got a cheque in your sticky little paws. As soon as you went to the magistrate and said I've moved everything out of the reserve the magistrate gave you a personal cheque."

Nevertheless in 1990, the KwaZulu Bureau of Natural Ressources is accused by the Association for Rural Advancement (AFRA) –left civil society activists group close to the ANC¹⁴) of forcibly removing the people without consultation and compensation. Some

¹⁰ Conservation agency of the Bantustan KwaZulu essentially managed by white conservationists under IFP influence (Inkatha Freedom Party).

¹¹ Natal Witness 27-06-1989, interview with former KBNR officials, Pietermaritzburg, 23-03-2001

¹² Headman of a Tribal Authority.

¹³ Interview with local conservation officials, Kosi Bay, 18-06-2001.

¹⁴ Interview with AFRA officials, Pietermaritzburg, 21-01-2001

citizens started to resist. They didn't understand why certain communities can stay (e.g. KwaDapha) and why others must move out of the nature reserve (AFRA, 1990). Then, frustrations with the black rural communities have arisen.

The manipulation of the process by political interests

The political context of this conflict is given by the ecologist of the nature reserve¹⁵.

"Politics got involved, IFP, ANC, the government, NGO's, there was a whole lot of political players, organisation for rural advancement. They were playing a political game, we were trying to do our responsibility. Yes: we said no to a lot of people. The politicians were trying to get votes of all parties. (...)"

The KwaZulu Bureau of Natural Ressources is directly managed by the government of the Kwazulu homeland and has to agree with the policies of the Inkatha Freedom Party. The interest of the IFP is that conservation must benefit Tribal Authorities and rural communities. That is why 25% of the revenues of the nature reserve went to the communities. A major part of the money was not given for community development¹⁶. Same behaviours were observed during the compensation process. Some cheques were confiscated by influent people within the community and some people started to be violent. The erection of an electric fence eventually decided the last people due to go to move outside the new boundaries.

To understand this conflict at the end of the apartheid era, one must analyse the role of external non governmental organisations (NGO's: Association for Rural Advancement, CROP - Community Research Organisation Program, CORD - Centre for Community Organisation Research and Development) which decided to defend the oppressed citizens and to oppose the KwaZulu Bureau of Natural Ressources and the Kwazulu homeland, pro-Pretoria. They started a resistance committee, *ISIDISI* against the removal of the population. They lobbied for a proper consultation process with the local communities and for the respect of traditional agriculture. These organisations are linked with the ANC (African National Congress) and COSATU (Congress of South African Trade Unions)¹⁷, composed also by Whites academics, working in the anti-apartheid movements.

They opposed a conservative coalition composed by Whites having a long experience of conservation and close to the Kwazulu government. This conflict is highly politic using the unhappiness of local communities against the proclamation of a nature reserve as a pretext.

The chronological context of this conflict is very sensitive. The end of the apartheid is legitimating the work done by the NGO's and questioning the action of the Kwazulu government. The rural areas are at stake in Kwazulu-Natal especially with regard to the ANC - IFP vote when the urban areas are already concerned by political violence (Hessel, 2003).

The real protection of natural environment did not improve after this event: the residents perceived, one more time, conservation as an interdiction and a frustration to use their traditional land. High level of poverty did not change with the proclamation of the nature reserve. Within Kosi Bay surroundings, the Banga Nek case study is a good example of what could be local resistance boosted by external support.

¹⁵ Interview with local conservation officials, Kosi Bay, 18-06-2001.

¹⁶ The Tembe Tribal Authority is vast with 49 Indunas. Consequently its management is costly.

¹⁷ Natal Mercury 30-5-1990.

A multiplication of local "illegal" initiatives threatening the natural environment

Banga Neck is the tourist name of the KwaDapha location. It is located between the lake Nhlanga (the third lake of the Kosi Bay system) and the Indian Ocean. This area is populated by 300 inhabitants, originally Thonga speaking¹⁸. It is a traditional land managed by the Tembe Tribal Authority with the Induna G.N. It is also now one the nicest coastal spot of the Greater St Wetland Park, recognised as a World Heritage Site.

D. Webster, an anthropologist from University of Witwatersrand, and anti-apartheid opponent, was one of the first White interested in the development of the people of KwaDapha. He was assassinated in Johannesburg the 10 may 1989 by a member of the apartheid police. This sad event interrupted his research within the local community. In the same time other academics, students and NGO's were interested in KwaDapha during the conflict of the proclamation of the Kosi Bay Nature Reserve. One of them was A.Z. (Community Research Organisation Program), the present acting Chief Executive Officer of the Greater St Lucia Wetland Park. They helped the local people to stay within the boundaries of the proclaimed area. Influenced by these organisations and by Webster's wife, it was decided to give the anthropologist's hut to the community and to start around this "monument" a community camp directly managed by the locals, including the two neighbouring communities of Enkovukeni and Emalangen.

A rivalry started between the three communities for the benefits appropriation. Some other Indunas from the western side of the lake Nhlanga were feeling apart and jealous. These tensions were quite legitimate: the western communities (KwaGeorge, KwaMazambane) have been removed from the nature reserve and did not have the same tourism opportunities than the coastal communities. Even some murders between clans were reported¹⁹. In 1997, the KwaDapha community camp was in bankrupt and has to be sold.

How the new post-apartheid governance system can resolve – or exaggerate – these environmental conflicts.

The complexity of the new governance system

Since the democratic elections in 1994, the national priorities for development are changing. The national policy of the reconstruction and development program indicates that an equitable share of prosperity exists for all, especially in underdeveloped rural areas. But priority is given since 1997 to neo-liberalism and private development to attract investment in South Africa in a NEPAD (New Partnership for African Development) context (Bond, 2004). Thus, a complex and confused governance framework is institutionalised to hide two current fundamental tasks: ANC political power on IPF territories ("how to control zulu rural areas?") area and neo-liberalism development ("how to make money with environment ?").

A complex governance framework recognising the natural heritage of Kosi bay

In Table 2 the complexity of the framework for the new governance for the Kosi Bay area is illustrated. All of the different levels of power noted in the table have some kind of management responsibilities for the area but with contrasting financial abilities to drive development and different levels of legitimacy in the eyes of the community. The only level at which development can be founded – the national level (driven by the ANC government)– means that it is difficult for local people to initiate development. The bodies that are close to

¹⁸ Interview with KwaDapha resident, 28-11-2001

¹⁹ Interview with local senior conservation officials, Kosi Bay, 16-06-2001

the people (i.e. at the local level) do not have the financial resources to promote real development alternatives. The political differences at the different levels, e.g. ANC nationally and IFP²⁰ locally, are a deep source of rivalry and competition over resources, especially area with a majority of IFP voters.

Table 2: The new governance framework for the Kosi Bay area (source: Author)

Authority level	Governance body	Financial ability to drive development	Legitimacy
1. Bodies in charge of the territory part of the protected area (GSLWP) ²¹ . The normal prerogatives of national and provincial government occur for the territory outside the protected area.			
International	UNESCO	No development responsibility, but has a regulatory capacity with regard to the natural preservation of the site	International recognition
National	Greater St Lucia Wetland Park (GSLWP)	General management of the new park in collaboration with KZNW on the conservation side, the Provincial Minister of Economic Affairs and Tourism, and LSDI on the development side.	National government ((ANC)) agencies, No direct election from the people.
	Lubombo Spatial Development Initiative (LSDI)	High financial capacity. Infrastructure development agency plus leader in joint-venture tourism projects	
Provincial	KwaZulu-Natal Wildlife (KZNW), former KZNNCS.	Low financial capacity but new local involvement respecting new IUCN principles.	Provincial conservation agency, Low popular legitimacy at this stage
2. Comparison between territories inside and outside the protected area.			
Regional: inside the GSLWP	District Management Area	Low financial capacity (no base build on rates or levies)	Elected municipal council ((currently Inkatha Freedom Party - IFP))
Regional: outside the GSLWP	District Council 27		
Local: inside the GSLWP	Kwazulu-Natal Wildlife local board (Kosi Bay - Coastal Forest Reserve)	Some financial capacity with the collection of community levies on tourism	Board of representative stakeholders
Local: outside the GSLWP	Local Municipality (KZ 271)	Low financial capacity (no base built on rates or levies)	Elected municipal council ((currently Inkatha Freedom Party - IFP))
3. A single Tribal Authority for the whole area.			
Local traditional: Tribal Authority Management	Tembe Tribal Authority (land ownership and management): different Indunas per community directed by Inkhosi Tembe.	Few land rental rates	Legitimacy is a sensitive issue: either a high traditional legitimacy or a non-democratic autocracy

1- (We do not include in this table the) The two main stakeholders, the residents and the tourists, who are part of the governance sphere, are not included in this table. The residents have powers through elections and popular protest. The tourists represent a (potentially) important source of financial inputs.

2- The full division of powers and functions between these different levels and bodies is still evolving

In 2000, the coastline between Kosi Bay in the North and Mapelane in the South was recognised as a World Heritage Site by the UNESCO. The protected area of Kosi Bay is located within this World Heritage Site. In the context of this newly acquired status, many conservationists now see an opportunity to implement a single conservation area that extends from the Mozambican border to St Lucia estuary, as opposed to the existing fragmented pockets²². A new national authority was proclaimed for the management of the Greater St

²⁰ IFP (Inkatha Freedom Party) is the opposition party to the ANC at a local level in Kwazulu-Natal and part of the governmental majority at a provincial and national level)

²¹ Except for the LSDI which has the duty to develop infrastructures outside the protected area.

Except for Kwazulu-Natal Wildlife which has the duty to sustain natural resources outside the protected area.

²² Kosi Bay Nature Reserve, Coastal Forest Nature Reserve, Sodwana Bay National Park, Maputaland Marine Reserve, St Lucia Marine Reserve, St Lucia Game Reserve, St Lucia Park, Mapelane Nature Reserve, Mkuze Game Reserve

Lucia Wetland Park. This new authority is “an autonomous body legally established to manage the Greater St Lucia Wetland Park and take responsibility for conserving its World Heritage Status”²³. The Greater St Lucia Wetland Park is an ‘anchor’ project of the Lubombo Spatial Development Initiative (LSDI)²⁴ with Kwazulu Natal Wildlife (the new name for KwaZulu-Natal Nature Conservation Services) and the Kwazulu-Natal Tourism Authority. The close ties between the Lubombo Spatial Development Initiative and the new authority can be seen in the fact that the Lubombo Spatial Development Initiative manager is acting Chief Executive Officer for new authority (A.Z.). As a consequence, new development is included directly within the context of the park; and the priority is to create infrastructure and tourist accommodation to attract overseas visitors. The most pertinent question is: Who will (really) benefit from these developments (Guyot 2003)?

Since the second local elections in South Africa on December 5th 2000, the Municipal Demarcation Board changed all the areas of local government to improve service delivery and the redistribution of the prosperity. A District Council now represents the regional level. The former Regional Council was divided into two parts to create this District Council. The new District Council consists of five municipalities at the local level which have amalgamated rural and urban areas. A third level of local government is reserved for the less densely populated areas and the conservation areas. These are District Management Areas (DMA) and they are managed directly by the District Council. One representative is elected from each District Management Areas as councillor to the District Council²⁵. The protected areas of Kosi Bay are now included in a District Management Areas - KZDMA 27 - within the DC (District Council) 27. In the interviews, we noticed confusion amongst the local stakeholders concerning the boundaries of these new councils, about the actual existence of the District Management Area, and about the effective division of powers and functions. This confusion is not conducive to managing the existing conflicts (Guyot 2002). It is maybe a tool to extend ANC political power within a neo-liberal economy context (Guyot, 2003) ?

Added to this is the fact that the ownership of the land in question is still traditionally the property of the Tembe Tribal Authority (Ingonyama Trust). This tribal authority is now integrated in the Local Municipality, KZ 271 - Umhlabuyalingana Municipality. The main consequence of these changes in political structures for the Kosi Bay area is increasing complexity. People will have to deal with this complex governance and it is pertinent to ask what are the direct consequences for development and improvements to the quality of life for the majority of the population ? Here are some examples of this confusion at a local level.

A multiplication of bodies with few common aims

Outside the protected area

Since the end of the apartheid, some development initiatives in Manguzi seem totally disconnected one from the others. The groups of stakeholders appear segmented. The

²³ Government Notice 4477 of 2000, Government Gazette No 21778, vol. 425, Pretoria, 24 November 2000

²⁴ This Initiative is attempting to improve the road infrastructure and develop ecotourism nodes in the Maputaland Region.

²⁵ “People who voted in DMAs had two votes for parties of their choice: (i) for the District as a whole, and (ii) for the DMA representative. The DMA representative is not for a particular area, but for all the DMA voters throughout the District municipality. Given that there is no specific person for the DMA areas (no ward councillor) in practice what should happen is that the District municipality would appoint a person from their council (it could be the DMA representative or even another councillor as they have the right to delegate responsibilities in terms of the Municipal Structures Act.) The DMA is not a legal body, but rather the Category C (District) municipality has all the municipal powers for the DMA areas. There is no real conflict with the national Heritage Authority and I am working with them to sort out any perceived or real problems.” (Interview with Mike Sutcliffe, head of the Municipal Demarcation Board 8-04-2001)

Maputaland Development and Information Center (MDIC) is founded by NGO's. It has no link with the new elected municipality, KZ 271. The latter has no link with the Tribal Authority and no budget to sustain its service delivery prerogatives. The Tribal Authority has no resources to start any forms of development and is conflicting with the new elected bodies seen as competitors for its "traditional" power²⁶.

At present no major progress has been made on attracting tourism to this area because these two local government structures (DC 27 and KZ 271) are very new²⁷. They await their normal amount of *equitable share* from national government. However, this has been delayed in part due to their IFP opposition status²⁸. No formal infrastructure exists to accommodate these forms of governance and in order for development to take place, these new local government structures will have to develop their own infrastructures in terms of offices, equipment and financing first. Even the residents did vote the 5-12-2000 but did not know that it was for a mayor (Guyot 2003).

Inside the protected area

Therefore, the only effective level of decision-making taking place at Kosi Bay at the present time is inside the protected area with the new authority of the Greater St Lucia Wetland Park, aided by the Lubombo Spatial Development Initiative. A part of the development phase²⁹ of Greater St Lucia Wetland Park includes Kosi Bay: the idea being to promote low intensity, high value ecotourism along the coast and around Lake Nhlangwe. This necessitates upgrading the sand road from Manguzi to KwaDapha and the provision of a reliable water supply. This proposal is funded by national government as part of the Lubombo Spatial Development Initiative. However, the ranking of the aims of this project are interesting: The first aim is to promote ecotourism and then to provide benefits to the local community. Currently the Lubombo Spatial Development Initiative is trying to attract foreign tourism developers to the area. Unfortunately consultation between people and organisations at the national and local levels, especially related to the residents, is very poor³⁰. This poor level of consultation could be a source of future conflicts between the local residents and the authorities as new developments will not be accepted or properly used if the community is not part of the decision making process. The majority of the residents were not informed about the Lubombo Spatial Development Initiative and about the World Heritage Status.

What is legal or illegal, legitimate or illegitimate in environmental conflicts ? Development versus environment - community participation versus national authoritarianism

We need to review existing legislative framework to understand current confusion.

The legality side

The different categories of laws regulating the land use in the Kosi Bay protected area and especially in KwaDapha are complex. To be "legal" is not just a question of respecting one category of laws but all of them because there are not necessary contradictory but complementary.

²⁶ Interviews with local stakeholders, Manguzi, 19/20-06-2001.

²⁷ And they have to find a way of integration for the Tribal Authority within the councils, a national debate between ANC and IFP.

²⁸ Interview with municipal representatives, Manguzi 20-06-2001 and 02-05-2003.

²⁹ Phase 2a infrastructure and water project

³⁰ Interview with legal opponents of LSDI, Durban 30-08-2001.

The traditional custody on the land is managed by the Ingonyama Trust as for 40% of the land of the KwaZulu-Natal Province. The permission of the Trust is necessary for any development on tribal land (Glavovic 1991).

The environment is concerned by the NEMA (National Environmental Management Act). It indicates that any development must fulfil an environmental impact assessment. Within a protected area rules and regulations from KZN Wildlife also occur. Since the area has been proclaimed World Heritage Site, other rules in respect with this new international status need to be respected.

The Development Act encourages all form of development that can benefit to the local communities and the national economy. This Act can not be enforced without respecting the previous categories of laws and regulations.

The Lubombo Spatial Development Initiative – Greater St Lucia Wetland Park Authority, even being a direct will from national government, has to enforce all these rules and regulations.

The legitimacy side

The different categories of stakeholders concerned by the land use of the Kosi Bay area are not necessarily legitimated by the democratic rules of the new South Africa.

The real influent stakeholders, and recognised like this, at a local level (e.g. the traditional leaders) and at a national level (e.g. the national developers Lubombo Spatial Development Initiative) who decide for the others are not elected.

The elected people at a local and regional levels do not have budgets to be legitimated by the majority.

Political significations...

The example of Kosi Bay allows us to understand political and electioneering stakes are the most important.

Ecotourism development at Banga Nek, linked to the increase in levels of territorial management foreseen for Greater St Lucia Wetland Park (Guyot, 2002, 2004), conceals major political stakes, mostly tied to the apartheid era's unsettled legacies.

Stakeholders, grouped into two main coalitions, are sensitive to this context, which partly influences them. Apartheid's end implies the end of the Bantustans and an unprecedented loss of power for the IFP. The pro-ANC organisations know that democracy seems a credible alternative. Locally, the new enemy to beat is the IFP. Violence has already occurred in the townships between factions of the two clans (Hessel, 2003). Kosi Bay's rural areas are a sizeable stake due to the influence of the traditional leaders, who rather favour the KwaZulu government. Other bodies seem more attuned to residents' expectations. Certain Indunas, such as the one in the KwaDapha community, chose to support CORD and one of its representatives, ZA, feeling that the development needs of his 'community' were better understood.

In 2003, the failure of this part of the Greater St Lucia Wetland Park to open up to ecotourism was thus the result of a national political struggle perpetuated under another guise³¹, whereby the ANC would capture the IFP's Zulu rural lands by means of major projects, in this case the Lubombo Spatial Development Initiative, and with a new national authority, the Greater St Lucia Wetland Park³². It is worth noting that these two bodies are run by the same person –

³¹ 'Arms for ecotourism'...

³² Interview with ANC and Demarcation Board representatives, 19-01-2002.

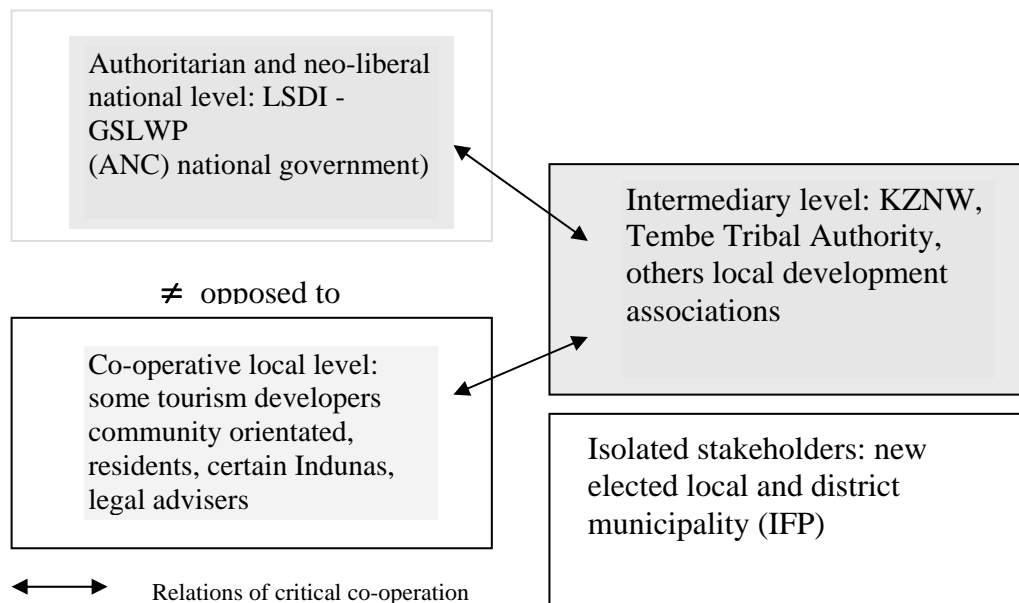
ZA – who chose to support Banga Nek's residents during the park's extension in 1989. Moreover, the ANC government put in place a local-level land reform increasing the number of local institutions (Table 2) lacking significant financial means, undermining their credibility to the benefit of the national level. In creating elected municipalities (district-level within the park), it killed two birds with one stone. It gave traditional leaders elected competitors from within the same political spectrum, the IFP, thus favouring a conflict between 'ancients' and 'moderns'. It also proved that the municipal structure cannot bypass the central State, for want of sufficient budgets, in providing basic services to the population (Antheaume & Giraut, 2002; Guyot, 2003). At the same time, it sped up the completion of road facilities by the Lubombo Spatial Development Initiative, to demonstrate its development and intervention capacity. However, it neglected to consult the majority of residents, and only relied on intermediary stakeholders who, sometimes, were not very representative. Moreover, it silently favoured White elitist tourism, reinforced spatial discrimination, and did not settle the frustrations felt by residents in relation to the protected area.

On their side, the IFP and its local networks try to stimulate their own ecotourism development projects and rely on traditional leaders' close relations with the population for legitimacy.

These local competitions generate confusion, allowing certain stakeholders to achieve their goals. Certain Black residents – fairly influential, conscious of their role as intermediary – develop strategies, playing on different levels, allowing them to gain time whilst preserving, sometimes for the use of the whole community, hunting grounds and forestry and fish-breeding resources.

Conclusion

Table 3: Different groups of stakeholders in Kosi Bay and their philosophy of action (source: Author)



Resolution of environmental conflicts necessitates new forms of co-operation between the Park Authority, the tourist developers and the residents in order to create a sustainable future for the area and to maximise benefits from any form of development to the community (Choudree 1999) in a social way. The new complex governance framework that is being implemented is not addressing the real needs of the people. Co-operation could be achieved only if the division of powers and functions are clear to all stakeholders, and if every level of governance has sufficient budget to deliver their services and respect the laws. In reality, however, the different organisations do not work together effectively (Guyot 2002). ANC will obviously win power within IPF land.

The question of legitimacy of traditional leaders and their possible participation within the local government also remains unresolved (Guyot 2002, Keulder 1998, Vaughan & Xaba 1996). Tensions are perceptible in march 2004 between IPF and ANC regarding 2004 national and provincial elections campaign.

Autonomy within the local community and its ability to drive its future does not seem to have improved. There is large gap between a costly and complex institutional framework and its ability to deliver improvements on the ground. Maybe every stakeholder needs time to be able to understand his or her real rights and duties. The priority is to provide basic services to the whole population. Local and national governments should attract foreign investment to promote this scenically beautiful location as a unique ecotourism and cultural destination under UNESCO rules and regulations. The World Heritage Site Status has perhaps given to the Kosi Bay area an unexpected positive recognition. However, it is not apparent which philosophy is being used to conciliate the necessary development and the valorisation of a pristine environment: participation or authoritarianism, legality or illegality, legitimacy or illegitimacy ?

The future of the Kosi Bay area is still far from being written. Certainly, some trends become apparent. Whereas the effort to democratise is certain, redistributing wealth seems uncertain in a neo-liberal context, except as guided by the mode of 'redistributive criminality'. This region's most uncertain trajectory relates to AIDS. This part of South Africa holds the sad record for infection for South Africa, with around a 35 to 40% infection rate in the 15-50 year age group. If South Africa takes up the AIDS challenge – and it can – then all hopes are certainly possible for the future.

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Fig. 1: The Kosi Bay area (source: Author)

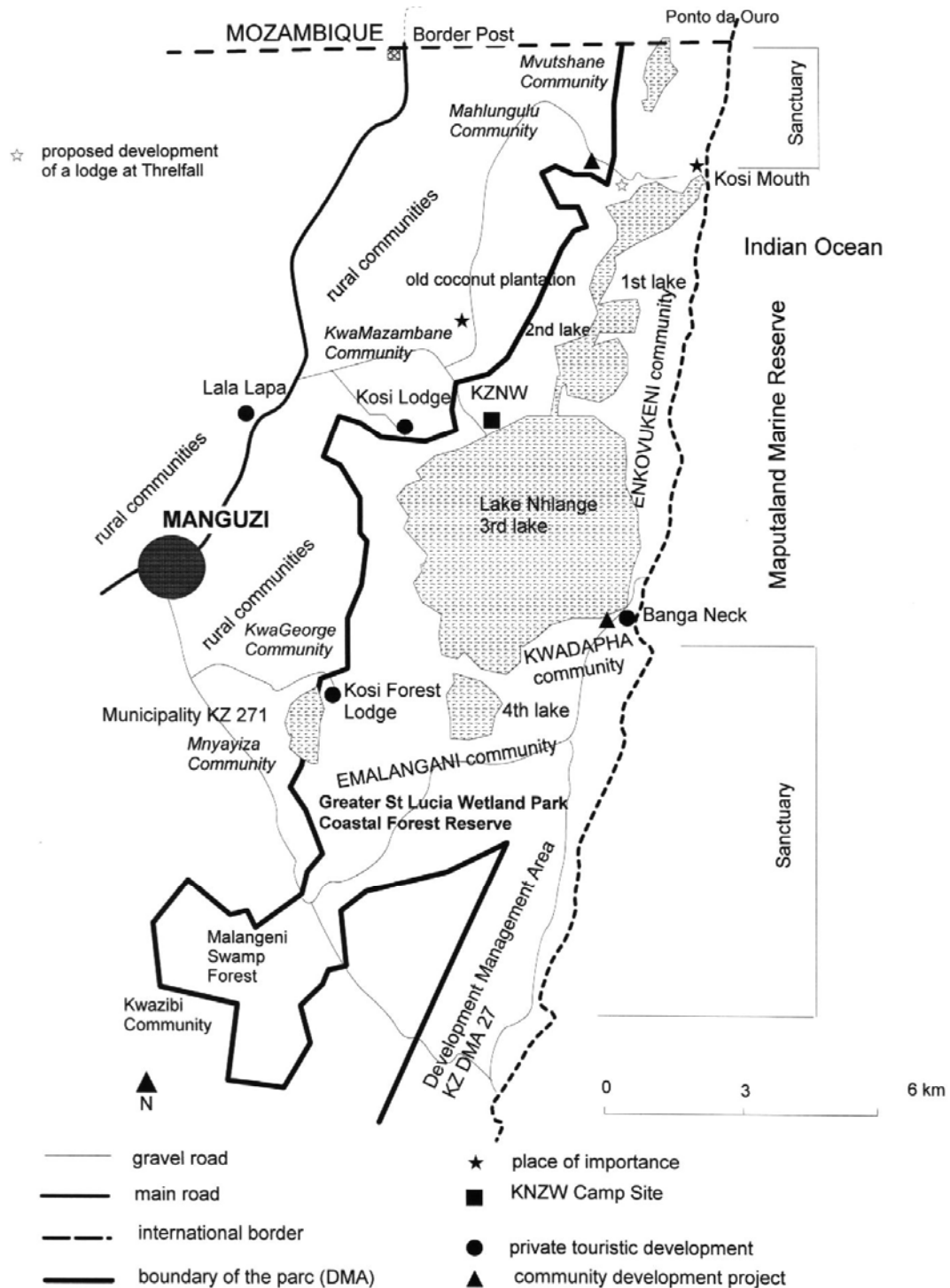


Fig. 2: Demarcation in relation with Kosi Bay during the apartheid era

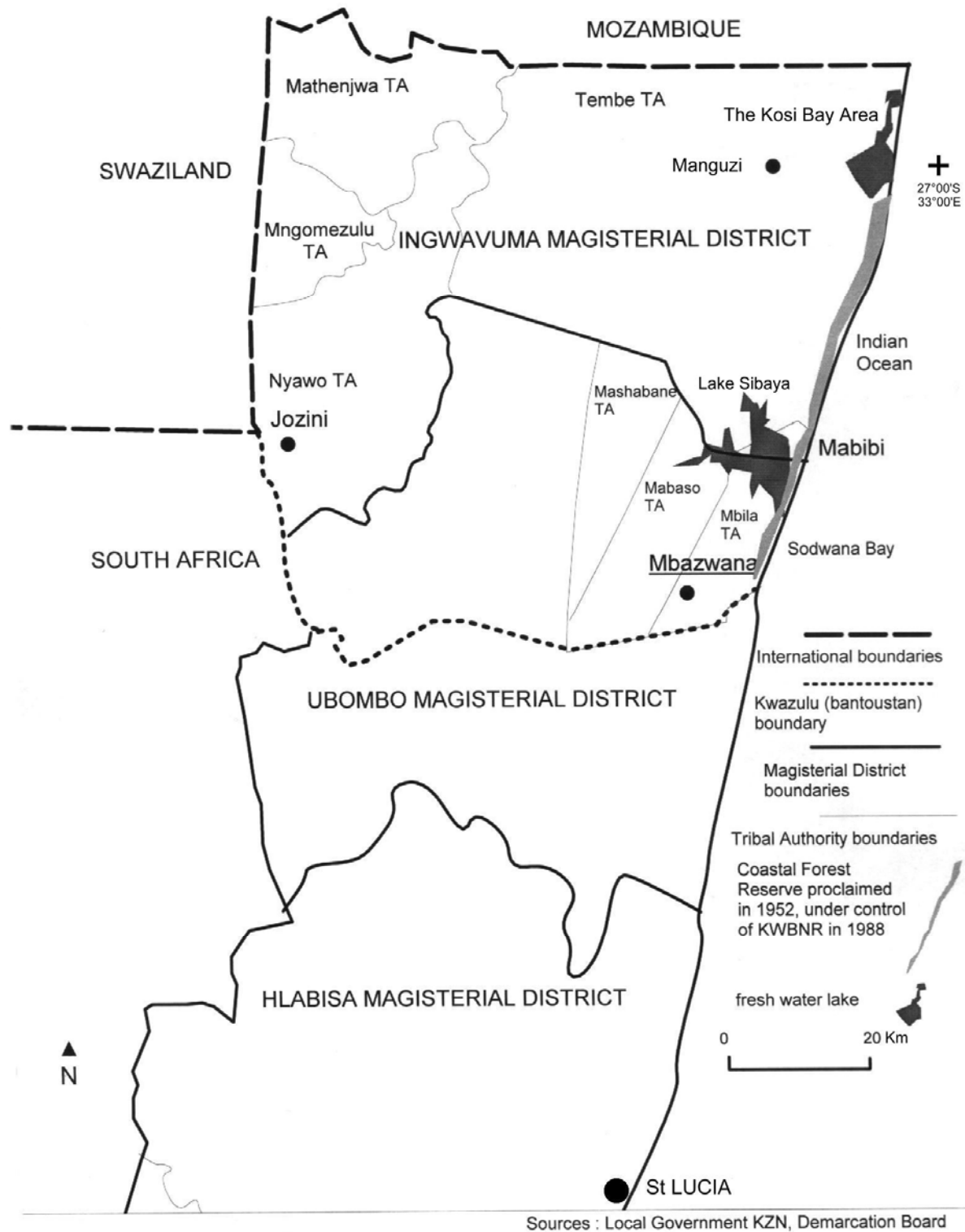


Fig. 3: New demarcation in relation with Kosi Bay in the early 21st century (map)

